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3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**  
4 **OF THE STATE OF WASHINGTON**

5 In the Matter of Enforcement Action Against:

PDC CASE NO. 07-012  
07-015

6 Michael Donow,

7 Respondent

FINAL ORDER

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9 This matter came for hearing before the Washington State Public Disclosure  
10 Commission on October 31, 2006 at the John L. O'Brien Building, Hearing Room D, 504  
11 15<sup>th</sup> Avenue SW, Olympia, Washington. Those present included Commission members Bill  
12 Brumsickle, Vice-Chair; Ken Schellberg, Secretary; and, Earl Tilly, Member. Also present  
13 were PDC Executive Director Vicki Rippie; Bruce Marvin, Assistant Attorney General  
14 representing Commission staff; Mike Donow, Respondent; and, Terry Simon, attorney for  
15 Mike Donow. Nancy Krier, Senior Assistant Attorney General and counsel for the  
16 Commission, was also present. The proceedings were open to the public and were  
17 recorded.

18 This matter involved allegations that the Respondent, a former member of the  
19 Monroe City Council, committed two violations of RCW 42.17.120 through his activities in  
20 the 2001 Monroe City Council election and the 2003 Monroe City Council election.

21 PDC Staff submitted to the Commission the Notice of Administrative Charges dated  
22 September 29, 2006 and the PDC Report of Investigation dated September 29, 2006 (with  
23 exhibits). The parties submitted to the Commission a proposed Stipulation as to Facts,  
24 Violations and Penalty (Stipulation) dated October 25, 2006. The parties also made oral  
25 presentations to the Commission.

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1 Following consideration of the written and oral submissions, the Commission voted  
2 to accept the Stipulation.

3 **I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

4 Based upon the Stipulation, which is hereby attached and incorporated by reference,  
5 the Commission finds:

6 The Jurisdiction, Facts, Violations, Penalty, and Reservation of Rights are  
7 established as provided in the Stipulation.

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9 **II. ORDER**

10 Based upon the findings and conclusions, the Commission orders that:

- 11 1. The Stipulation is accepted.
- 12 2. The Respondent is assessed civil penalties and costs as provided in the  
13 Stipulation in a total amount of \$5,000, \$3,200 of which will be suspended for four years as  
14 provided in the Stipulation on the condition that the Respondent commits no further  
15 violations of RCW 42.17 for four years from the date of the entry of this order. Payment of  
16 the non-suspended portion (\$1,800) is due 180 days from the date of the entry of this order.

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18 **III. APPEALS**

19 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

20 Any party may ask the Commission to reconsider this final order. Parties must  
21 place their requests for reconsideration in writing, include the specific grounds or reasons  
22 for the request, and deliver the request to the Public Disclosure Commission Office within  
23 **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order  
24 upon the party. WAC 390-37-150. Service by the Commission on a party is accomplished  
25 on the date of mailing by U.S. mail if the order is mailed, or the date of personal service if  
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1 personal service is made. RCW 34.05.010(19). The Commission orders are generally  
2 mailed via U.S. mail.

3 Pursuant to WAC 390-37-150, the Public Disclosure Commission is deemed to have  
4 denied the petition for reconsideration if, within twenty (20) business days from the date the  
5 petition is filed, the Commission does not either dispose of the petition or serve the parties  
6 with written notice specifying the date by which it will act on the petition. Pursuant to  
7 RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure  
8 Commission to reconsider the final order before seeking judicial review by a superior court.  
9

#### 10 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

11 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure  
12 Commission is subject to judicial review under the Administrative Procedures Act, chapter  
13 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW  
14 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston  
15 County or the petitioner's county of residence or principal place of business. The petition  
16 for judicial review must be served on the Public Disclosure Commission and any other  
17 parties within **30 days** of the date that the Public Disclosure Commission serves this final  
18 order on the parties. RCW 34.05.542 (4) provides: "Service of the petition on the agency  
19 shall be by delivery of a copy of the petition to the office of the director, or other chief  
20 administrative officer or chairperson of the agency, at the principal office of the agency.  
21 Service of a copy by mail upon the other parties of record and the office of the attorney  
22 general shall be deemed complete upon deposit in the United States mail, as evidenced by  
23 the postmark."  
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1 If reconsideration is properly sought, the petition for judicial review must be served  
2 on the Public Disclosure Commission and any other parties within thirty (30) days after the  
3 Commission acts on the petition for reconsideration.  
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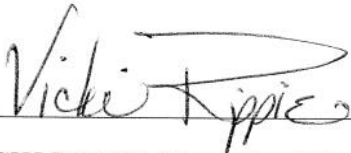
5 **ENFORCEMENT OF FINAL ORDERS**

6 The Commission will seek to enforce this final order in superior court under RCW  
7 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid  
8 and no petition for judicial review has been filed under chapter 34.05 RCW. This action  
9 will be taken without further order by the Commission.

10 The Executive Director is authorized to enter this order on behalf of the Commission.

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12 DATED THIS 13<sup>th</sup> day of November, 2006.

13 FOR THE COMMISSION:

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16 VICKI RIPPIE, Executive Director

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18 *Attachment:* Stipulation as to Facts, Violations and Penalty dated October 25, 2006

19 *Date of mailing:*  
20 \_\_\_\_\_

21 *Copy mailed to:*

22 Terry Simon, Counsel for Respondent  
23 Mike Donow, Respondent  
24 Bruce Marvin, Assistant Attorney General  
25 Nancy Krier, Senior Counsel, Attorney General's Office  
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